

OCT 28 2005



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Legal Department  
Fax: 508.383.7468

500 Old Connecticut Path  
Framingham, MA 01701 U.S.A.  
www.appliedbiosystems.com

<b>To:</b>	Commissioner of Patents & Trademarks US Patent and Trademark Office	<b>From:</b>	Brian D. Gildea, Reg. No. 39,995		
		<b>Tel:</b>	508.383.7632	<b>Mail Stop:</b>	B3N-Legal
<b>Fax:</b>	571-273-8300 (USPTO Central Fax)	<b>E-Mail:</b>	gildeabd@appliedbiosystems.com		
<b>Date:</b>	October 28, 2005	<b>Pages:</b>	10 (including cover sheet)		
<b>Re:</b>	<b>U.S. Serial No. 09/593,914</b> <b>Filed: 06/14/00</b> <b>Title: Probes, Probe Sets, Methods and Kits Pertaining to the Detection, Identification and/or Enumeration of Yeast; Particularly in Wine</b>  <b>Our Ref No. BP9901-US</b>				

Dear Sir or Madam:

Attached is a Response to the Office Action mailed October 20, 2005 for the above referenced U.S. patent application.

Should you have any questions or have difficulty receiving this fax, please contact me at 508-383-7632.

Thank you.

Brian D. Gildea, Esq.

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Attorney Docket: BP9901-US

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## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application Serial No: 09/593,914 Confirmation No. 8319  
Date Filed: June 14, 2000  
Application Title: Probes, Probe Sets, Methods And Kits Pertaining To The  
Detection, Identification And/Or Enumeration Of Yeast;  
Particularly in Wine  
Applicant: Hyldig-Nielsen et al.  
Group Art Unit: 1634  
Examiner: C. Meyers  
Application Status: Pending - Prosecution Closed  
Action Type: Final Office Action issued on October 20, 2005

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Certificate of Transmission:  
37 C.F.R. § 1.8

I hereby certify that this correspondence is being facsimile transmitted to the U.S. Patent and Trademark Office (Fax No. 571-273-8300) on this 28<sup>th</sup> day of October, 2005.



Brian D. Gildea  
Reg. No. 39,995

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Reply To Office Action

Commissioner for Patents  
Dear Sir or Madam:

This response is being filed within the three month shortened statutory period set for reply to the Office Action dated October 20, 2005. Therefore, please consider the following response to said Office Action.

I. ACTION SUMMARY

Claims 10-12, 16, 18, 19, 21-26, 29, 32, 34, 46-49, 61,62, and 80-104 stand pending in this application. The Examiner has withdrawn claims 34 and 99-104 from further consideration. Claims 80-82 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Kosse (reference DF) in view of Stender (1998; WO98/15648; reference BB) and in further view of Parton (US 5,905,038). Claims 10-12, 16, 18-19, 21-

## Attorney Docket: BP9901-US

26, 29, 32, 86 and 87 stand rejected under 35 U.S.C. §103(a) as being unpatentable over De Wachter (GeneBank Accession No. x58052) in view of Kosse (reference DF) in view of Stender (1998; WO98/15648; reference BB). Claims 80-85 stand rejected under 35 U.S.C. §103(a) as being unpatentable over De Wachter in view of Kosse (reference DF) and Stender (1998; WO98/15548; reference BB) in view of Parton (US 5,905,038). Claims 46-49, 61, 62, 83-85 and 88-98 stand allowed.